
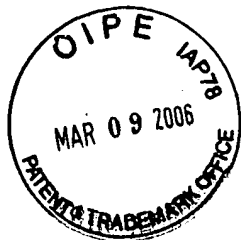


TRANSMITTAL OF PAYMENT OF ISSUE FEE (Large Entity) (37 C.F.R. 1.311)				Docket No. 15436.54.1	
Applicant(s): William Freeman et al.					
Application No. 10/688,356	Filing Date October 17, 2003	Examiner Tuyen Q. Tra	Customer No. 022913	Group Art Unit 2873	Confirmation No. 2295
Invention: VARIABLE ELECTROCHROMIC OPTICAL ATTENUATOR					
<p style="text-align: center;">Mail Stop Issue Fee COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>Transmitted herewith are the following for the above-identified application.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal Form PTOL-85</p> <p><input checked="" type="checkbox"/> Utility Fee: \$ 1400.00      <input type="checkbox"/> Design Fee:      <input type="checkbox"/> Plant Fee:</p> <p><input type="checkbox"/> Publication Fee:</p> <p><input type="checkbox"/> A check in the amount of      is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.</p> <p><input type="checkbox"/> Charge the amount of</p> <p><input checked="" type="checkbox"/> Credit any overpayment.</p> <p><input checked="" type="checkbox"/> Charge any additional fee required.</p> <p><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p> Signature</p> <p>Dated: March 9, 2006</p> <p><b>ERIC L. MASCHOFF</b> Attorney for Applicants Registration No. 36,596</p>					
CC:					
<p style="text-align: center;"><b>Certificate of Transmission by Facsimile</b> This certificate may only be used if paying by deposit account.</p> <div><p>I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States and Trademark Office (Fax No. ) on</p><p>(Date)</p><p>_____ Signature</p><p>_____ Typed or Printed Name of Person Signing Certificate</p></div>			<p style="text-align: center;"><b>Certificate of Mailing by First Class Mail</b></p> <div><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p><p>(Date)</p><p>_____ Signature of Person Mailing Correspondence</p><p>_____ Typed or Printed Name of Person Mailing Correspondence</p></div>		



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## FAX TRANSMISSION COVER SHEET

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**Date:** March 9, 2006  
**To:** United States Patent & Trademark Office  
ISSUE FEE  
Art Unit 2873  
Examiner Tuyen Q. Tra  
**Fax:** 571-273-2885  
**Phone:**  
**From:** Mandy Lomeli for Eric L. Maschoff  
**Re:** Application Serial No. 10/688,356  
Our File No. 15436.54.1

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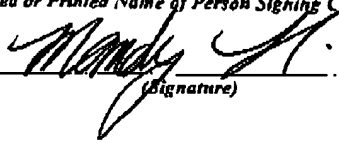
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**Comments:**

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): William Freeman et al.			15436.54.1
Application No. 10/688,356	Filing Date October 17, 2003	Examiner Tuyen Q. Tra	Group Art Unit 2873
Invention: VARIABLE ELECTROCHROMIC OPTICAL MODULATOR			
<p>I hereby certify that this _____ See below* (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 571-273-2885)</p> <p>on <u>March 9, 2006</u> (Date)</p> <p style="text-align: right;">Mandy Lomeli (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"> (Signature)</p> <p><b>Note: Each paper must have its own certificate of mailing.</b></p> <ul style="list-style-type: none"><li>• Transmittal of Payment of Issue Fee (1 pg.)</li><li>• PTOL-85 Part B Fee Transmittal (1 pg.)</li><li>• Comments on Examiner's Statement of Reasons for Allowance (1 pg.)</li><li>• PTO-2038 Credit Card Form in amount of \$1,403.00 (1 pg.)</li><li>• Certificate of Transmission by Facsimile (1 pg.)</li></ul>			

P18/REV02



PATENT APPLICATION  
Docket No: 15436.54.1

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

William Frecman et al.

Serial No: 10/688,356

Filed: October 17, 2003

For: VARIABLE ELECTROCHROMIC OPTICAL  
ATTENUATOR

Examiner: Tuyen Q. Tra

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the communications mailed on December 15, 2005. The Applicant concurs with the Examiner's conclusion that the prior art does not suggest or render obvious the claimed invention. However, Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims in the above-identified application allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that distinguish the claim from the prior art and make it allowable.

Respectfully submitted,

Dated: March 9, 2006

By:

ERIC L. MASCHOFF  
Registration No. 36,596  
Customer No. 022913

ELM:mr1  
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